

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIRECTV, Inc.

Plaintiff,

vs.

Nelson Martins

Defendant

) Case No.: **04cv12404 PBS**

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**PLAINTIFF'S REQUEST
FOR ENTRY OF DEFAULT**

Plaintiff, DIRECTV, Inc ("DIRECTV"), by and through its undersigned attorney, pursuant to provisions of Rule 55 of the Federal Rules of Civil Procedure, hereby requests the Clerk of this United States District Court to enter a notice of default against defendant, **Nelson Martins**, for his failure to plead or otherwise defend the action brought by DIRECTV as appears from the attached affidavit.

1/10/05

Date

/s/ John M. McLaughlin

John M. McLaughlin (BBO: 556328)
Green, Miles, Lipton & Fitz-Gibbon
P.O. Box 210
77 Pleasant Street, Northampton, MA 01061-0210
Phone 413-586-8218
Direct line 413-586-0865
Fax 413-584-6278

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 10th day of January, 2005, a copy of the foregoing Request for the Entry of Default, the Affidavit in Support thereof and a proposed order were mailed first class to:

Nelson Martins
11 Division Street
Fall River, MA

/s/ John M. McLaughlin
John M. McLaughlin, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIRECTV, Inc.)	Case No.: 04cv12404 PBS
)	
Plaintiff)	AFFIDAVIT OF ATTORNEY FOR
)	PLAINTIFF'S REQUEST FOR DEFAULT
vs.)	
)	
Nelson Martins)	
)	
Defendant)	

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On November 12, 2004, the Plaintiff filed a Complaint against the Defendant, **Nelson Martins**, in United States District Court, alleging violations of 47 U.S.C. § 605 and violations of 18 U.S.C § 2511.
2. On December 10, 2004, the said Defendant was served by leaving the pertinent documentation at the **last and usual** place of abode of the Defendant by a person who is not a party to this action (see copy of Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Federal Rules of Civil Procedure, the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint or to otherwise defend against Plaintiff's claims.
5. I have filed herewith a Request for Entry of Default, seeking that a Notice of Default be entered by this Court.

6. I have also filed herewith Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury.

Respectfully Submitted for the Plaintiff,
DIRECTV, INC.
By Its Attorney,

1/10/05

Date

/s/ John M. McLaughlin
John M. McLaughlin (BBO: 556328)
Green Miles Lipton & Fitz-Gibbon
77 Pleasant Street
P.O. Box 210
Northampton, MA 01061
(413) 586-0865

UNITED STATES DISTRICT COURT

District of Massachusetts

DIRECTV, Inc.

V.

Nelson Martins

SUMMONS IN A CIVIL CASE

CASE NUMBER:

04^{CV}12404 PBS

TO: (Name and address of Defendant)

Nelson Martins
111 Division Street
Fall River, MA 02721

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

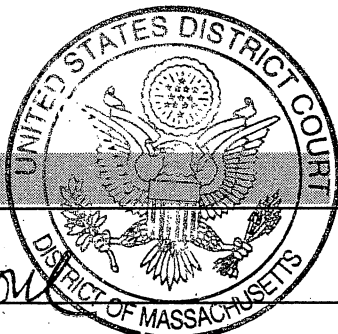
John M. McLaughlin
Green, Miles, Lipton & Fitz-Gibbon
P.O. Box 210
77 Pleasant Street
Northampton, MA 01061-0210
(413) 586-8218

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

TONI ANASTAS

CLERK

(By) DEPUTY CLERK



DATE

NOV 12 2004



Bristol County Deputy Sheriffs' Office • P.O. Box 8928 • New Bedford, MA 02742-0928 • (508) 992-6631

Bristol, ss.

December 16, 2004

I hereby certify and return that on 12/10/2004 at 03:18 pm I served a true and attested copy of the Summons and Complaint, CA Cover Sheet, Corporate Disclosure in this action in the following manner: To wit, by leaving at the last and usual place of abode of Nelson Martins, 111 Division Street 1st floor Fall River, MA and by mailing first class mail to the above-mentioned address on 12/10/2004. Copies (\$4.00), Conveyance (\$1.50), Travel (\$22.40), Basic Service Fee (\$20.00), Postage and Handling (\$3.25), Attest Fee (\$10.00) Total Charges \$61.15

Dennis Medeiros
Deputy Sheriff

Deputy Sheriff Dennis Medeiros

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DIRECTV, Inc.

Plaintiff,

vs.

Nelson Martins

Defendant

) Case No.: **04cv12404 PBS**

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**ORDER FOR NOTICE OF REQUEST
FOR DEFAULT**

Upon requests of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFAULTED this _____ day of _____, _____.

BY THE COURT

Deputy Clerk